

**BEFORE THE WASHINGTON STATE
UTILITIES AND TRANSPORTATION COMMISSION**

CITY OF KENNEWICK,)	DOCKET TR-081864
)	
Petitioner.)	ORDER 01
)	
)	ORDER GRANTING PETITION TO
)	RECONSTRUCT A PUBLIC
)	HIGHWAY-RAIL GRADE CROSSING
BNSF RAILWAY COMPANY,)	AT NORTH EDISON STREET
)	
Respondent.)	
)	
)	USDOT: 104568B
)	UTC: 1C6.60
.....)	

BACKGROUND

- 1 On October 9, 2008, the City of Kennewick (City or Petitioner) filed a petition with the Utilities and Transportation Commission (Commission) seeking approval to reconstruct a railroad-highway grade crossing at North Edison Street in the city of Kennewick. The modification of the North Edison crossing is part of a larger roadway project by the City to add turn lanes to nearby intersections.

- 2 Respondent BNSF Railway Company (BNSF Railway) has consented to entry of an Order by the Commission without further notice or hearing.

- 3 Railroad warning devices at the intersection of North Edison Street and the Petitioner’s tracks in the city of Kennewick consist of 12” cantilever mounted flashing lights and gates.

- 4 North Edison Street is classified as a primary arterial, consisting of a four-lane roadway, with two northbound lanes and two southbound lanes. The City estimates average daily vehicle traffic over the crossing at 15,134, which includes commercial motor vehicles and 25 school bus trips. The posted legal speed limit is 35 miles per hour.

- 5 BNSF Railway maintains one track through the crossing. Average daily train traffic consists of four to ten trips at a maximum speed of 45 miles per hour. No passenger trains use this crossing.

6 The petition proposes to extend the crossing surface on the east side to accommodate widening of the roadway. A turn lane will be added to North Edison Street which will allow left turns onto West Metaline Avenue which is located just north and south of the crossing. Raised medians will be constructed on both sides of the crossing to prevent left turning vehicles from fouling the crossing. Shoulder mounted flashing lights and gates will also be added to the medians which will activate in conjunction with the existing¹² cantilever mounted flashing lights and gates. New curb, gutter and sidewalks will also be installed on the east side of the crossing.

7 The proposed upgrades are in the interest of improving safety and convenience for roadway users.

FINDINGS AND CONCLUSIONS

8 (1) The Washington Utilities and Transportation Commission is an agency of the State of Washington having jurisdiction over public railroad-highway grade crossings within the state of Washington. *Chapter 81.53 RCW.*

9 (2) The proposed reconstruction of a crossing involves a public railroad-highway grade crossing, as defined in *RCW 81.53.010.*

10 (3) *RCW 81.53.060* requires the Commission grant approval prior to reconstructing a public railroad-highway grade crossing within the state of Washington.

11 (4) Commission Staff investigated the petition and recommends that it be granted.

12 (5) After examination of the petition filed by the City of Kennewick on October 9, 2008, and giving consideration to all relevant matters and for good cause shown, the Commission grants the petition.

ORDER

THE COMMISSION ORDERS:

13 The petition of the City of Kennewick to reconstruct a railroad-highway grade crossing at North Edison Street and the Respondent's tracks in Benton county is granted, as follows:

(1) The modifications must conform to those described in the petition.

- (2) Petitioner must notify the Commission of the installation. Acceptance of the changes is subject to inspection by Commission Staff, verifying that the crossing is in full compliance with applicable laws, regulations, and the conditions specified herein.

The Commissioners have delegated authority to the Secretary to enter this Order pursuant to RCW 80.01.030 and WAC 480-07-904((1)(b)).

DATED at Olympia, Washington, and effective December 10, 2008.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

DAVID W. DANNER, Executive Director and Secretary

NOTICE: This is an order delegated to the Secretary for decision. In addition to serving you a copy of the decision, the Commission will post on its Internet Web site for at least fourteen (14) days a listing of all matters delegated to the Secretary for decision. You may seek Commission review of this decision. You must file a request for Commission review of this order no later than fourteen (14) days after the date the decision is posted on the Commission's Web site. The Commission will schedule your request for review for consideration at a regularly scheduled open meeting. The Commission will notify you of the time and place of the open meeting at which the Commission will review the order.

The Commission will grant a late-filed request for review only on a showing of good cause, including a satisfactory explanation of why the person did not timely file the request. A form for late-filed requests is available on the Commission's Web site.

This notice and review process is pursuant to the provisions of RCW 80.01.030 and WAC 480-07-904(2) and (3).